

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

COGNEX CORPORATION,

Plaintiff,

v.

JEAN CARON,

Defendant.

CIVIL ACTION NO. 04 12365 JLT

Proposed
CIVIL CONTEMPT ORDER

It is hereby ORDERED and ADJUDGED:

1. Per the terms of the clear and unambiguous order dated August 2, 2004, and extended on August 11, 2004 and October 25, 2004, the Defendant, Jean Caron ["Caron"], was expressly restrained and enjoined from, *inter alia*, "engaging or accepting employment with any business competitive with Cognex, including but not limited to Euresys, S.A."
2. Caron received actual notice of the injunction on October 8, 2004.
3. Caron has willfully violated this injunction repeatedly and continuously by remaining employed with Euresys.
4. Caron is in Contempt of Court.
5. Caron is ordered to immediately comply with the terms of the injunction.

Specifically, Caron is restrained and enjoined from:

- (a) engaging in or accepting employment with any business competitive with Cognex, including but not limited to Euresys S.A., in violation of his contract with Cognex, and from soliciting any customers of Cognex;
- (b) divulging, appropriating, or using to his own gain any confidential information obtained from Cognex;

- (c) violating in any manner the agreement between Cognex and Caron; and
- (d) retaining any proprietary technology and equipment and confidential information belonging to Cognex.

6. From and after the date of this Order, for each day that Caron fails to comply with the injunction, Caron shall pay to Cognex the sum of \$1,000.00 per day. The daily fine shall remain in place until such time as Caron is in full compliance with the terms of the injunction.

7. It is further ordered that Caron shall pay reasonable costs and attorneys' fees incurred by Cognex in connection with this Motion in the amount of \$_____.

In the alternative,

a. Per the terms of the clear and unambiguous Temporary Restraining Order dated August 2, 2004, and extended on August 11, 2004 and October 25, 2004, the Defendant, Jean Caron ["Caron"], was expressly restrained and enjoined from, inter alia, "engaging or accepting employment with any business competitive with Cognex, including but not limited to Euresys, S.A."

b. Caron received actual notice of the Temporary Restraining Order on October 8, 2004.

c. The Temporary Restraining Order was never dissolved or modified.

d. By its terms, the Temporary Restraining Order has not expired.

e. Caron has willfully violated this Temporary Restraining Order repeatedly and continuously by remaining employed with Euresys.

f. Caron is in Contempt of Court.

g. Caron is ordered to immediately comply with the terms of the Temporary Restraining Order. Specifically, Caron is restrained and enjoined from:

- (i) engaging in or accepting employment with any business competitive with Cognex, including but not limited to Euresys S.A., in violation of his contract with Cognex, and from soliciting any customers of Cognex;
- (ii) divulging, appropriating, or using to his own gain any confidential information obtained from Cognex;
- (iii) violating in any manner the agreement between Cognex and Caron; and
- (iv) retaining any proprietary technology and equipment and confidential information belonging to Cognex.

h. From and after the date of this Order, for each day that Caron fails to comply with the Temporary Restraining Order, Caron shall pay to Cognex the sum of \$1,000.00 per day. The daily fine shall remain in place until such time as Caron is in full compliance with the terms of the Temporary Restraining Order.

i. It is further ordered that Caron shall pay reasonable costs and attorneys' fees incurred by Cognex in connection with this Motion in the amount of \$_____.

j. A hearing on Cognex's Application for Preliminary Injunction is set for _____, 2005.

Justice Joseph L. Tauro
United States District Court
District of Massachusetts

Dated: _____, 2005